

REMARKS

Claim Amendments

Independent claim 1 includes features previously recited in claims 4, 7, 12 and 13. Independent claim 11 has been amended in a corresponding manner.

The Rejections Under 35 USC § 102

Claims 1, 4-8, 11 and 13-16 are rejected as allegedly anticipated by US 5,660,176. The features of claim 12 are now in both independent claims 1 and 11. Thus, this rejection is readily moot.

Claims 1-3, 9-12, and 17 are rejected as allegedly anticipated by US 6,270,456. The features of claims 4, 7 and 13 are now in both independent claims 1 and 11. Thus, this rejection is readily moot.

Nevertheless, applicants provide the following comments.

Applicants appreciate the Examiner's clear and detailed indication of relevant passages in the cited prior art documents. However, applicants respectfully submit that the allegations regarding the prior art disclosures do at least partly exceed the actual disclosures in the prior art documents.

As regards claim 1 and for instance feature b, the Office Action has taken the position that preparing a set of data relating to the causes of diseases and storing the set in a data memory is disclosed in column 4, line 33 to column 5, line 54, of US '176. However, while the respective passages in US '176 are dealing with an automatic diagnosis system, it is not clear at all that this prior art system involves preparation of a set of data relating to causes of diseases, let to say allergens as such causes. In particular, the respective passages in the above documents would be interpreted by one of ordinary skill in the art as providing a description of the symptoms simply by indicating a particular disease, which is not disclosed to be related to finding of or a search for corresponding causes.

Claim 1, feature b, as discussed above includes the preparation of a set of data relating to the causes of diseases which includes a listing of allergens. This feature was allegedly disclosed on column 5, line 25 to column 36, line 67, of US '176. However, the only reference to allergy is found in column 36, line 15, indicating generically that "cause 467 refers to a cause for an illness or disease such as trauma, infection, allergy/immune, poisoning ...", etc. This is by no means an indication that a set of data is prepared including a listing of allergens. US '176 simply does not teach the preparation of data which lists allergens.

Regarding feature d, which includes that the answer is at least partly predetermined in discrete selection steps, the Office Action refers to column 4, line 33, column 5, line 54, and column 40, lines 36-67, of US '176 as allegedly disclosing said feature. However, said feature can not be found in US '176. Instead, US '176 discloses that the system generates a score on the basis of any of the answers received and compares said score with a given threshold value. This is not a presentation of answers in predetermined discrete selection steps.

Regarding feature f, the Office Action refers to columns 4 and 5 of US '176. The respective passage indicates that medical advice or diagnosis is given, apparently in final form. However, this is not a "diagnosis proposal" which is susceptible to further changes and amendments. See, e.g., claim 1 having feature (h), formerly in claim 12, directed to the testing of the proposals, to further narrow the suggested diagnosis and therapies.

Regarding such a test proposal, the Office Action also refers to US '456, column 1, line 63 to column 2, line 42. However, US '456 appears to only refers to laboratory tests of choice.

Regarding the feature i) of the claims, the Office Action cites column 4, lines 58 to column 5, line 21, of US '176. US '176 refers to a patient medical history database without any indication that the data are anonymised. The further cited column 55, line 65 to column 58, describe at least partially an analysis for a plurality of patients and a statistical data information which is age- and sex specific. However, this still does not mean that any individual's data are anonymised, which relates to personal data protection.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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